

**REMARKS**

Claims 1-4 are pending. Applicants respectfully submit no new matter is presented.

**Drawings**

The Office Action objects to the drawings because reference character "M," referred to on page 5, line 2 of the originally filed application was not contained in the drawings. However, the Office Action notes that while a proposed change to Figure 2, adding reference character "M," was filed on June 16, 2004 and is approved, the new formal drawing submitted June 16, 2004 did not include the proposed change. Applicants respectfully disagree with the assertion by the Office Action that the new formal drawing filed June 16, 2004 did not include the proposed change, i.e., adding reference character "M." As stated by the Office Action and evidenced by the enclosed PTO date-stamped postcard, Applicants filed a Request for Approval of Drawing Correction, corrected **and** formal copy of Drawing. (emphasis added) Moreover, the first paragraph of the Request for Approval of Drawing Corrections clearly and unambiguously states "A copy of the corrected Figure 2 is attached to this Request with the change indicated in red as well as a formal copy of Figure 2 for the Examiner's convenience." A copy of the Request is enclosed herein for the convenience of the Examiner. Furthermore, a copy of Figure 2 with the change indicated in red, i.e., adding reference character "M," is also enclosed for the convenience of the Examiner. Finally, a copy of the formal copy of Figure 2 with the change, i.e., adding of reference character "M," that was filed with the Request is also enclosed herein for the convenience of the Examiner. Withdrawal of the objection is respectfully requested.

**Claims 1-4 Recite Patentable Subject Matter**

Claims 1-2 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,374,972 to Yoshimoto et al. (hereinafter "Yoshimoto") in view of U.S. Patent No. 5,255,516 to Ejiri et al. (hereinafter "Ejiri"). Claims 3-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshimoto in view of Ejiri as applied to Claims 1-2 above, and further in view of U.S. Patent No. 3,797,243 to Trusov. Applicants respectfully traverse both rejections.

Claim 1 recites a power transmission device for an astride-riding vehicle including, among other features, that a pump capacity is a maximum at a speed ratio (e) = 0, and gradually decreases in response to an increase in the speed ratio (e).

The Office Action admits Yoshimoto fails to teach or suggest such a feature. That is, the Office Action admits Yoshimoto does not disclose that the pump capacity of the torque converter is a maximum at a speed ratio equal to zero (0), decreasing in response to an increase in speed ratio.

The Office Action then asserts that Ejiri discloses a torque converter wherein a capacity is a maximum at a speed ratio equal to zero (0) as shown in Figure 5 and decreases as the speed ratio increases to provide improved torque efficiency.

Applicants respectfully, but forcefully, disagree with the assertion made by the Office Action with regards to the Ejiri disclosure.

Applicants respectfully note a copy of Figure 5 from Ejiri is enclosed hereto and marked as "original." Also enclosed herein is an enlarged or marked-up version of Figure 5 from Ejiri which clearly and unambiguously shows the capacity factor is not a maximum when the speed ratio equals zero (0). Rather, as shown in the enlarged or

marked-up version of Figure 5 from Ejiri, the capacity factor actually is a maximum at approximately 0.3 before gradually decreasing thereafter in response to an increase in the speed ratio. In fact, Applicants respectfully point out that the capacity factor disclosed by Ejiri increases from the point where the speed ratio is zero (0) to the point where the speed ratio is approximately 0.3 where the capacity factor attains a maximum and then begins the gradual decrease in response to the increase in the speed ratio. As such, Applicants respectfully submit Ejiri does not teach or suggest the pump capacity is a maximum at a speed ratio equal to zero (0). Moreover, Applicants respectfully submit that Ejiri does not teach or suggest the capacity factor gradually decreases in response to an increase in the speed ratio after zero (0) since Ejiri clearly teaches the capacity factor increases once the speed ratio increases from zero (0) to a point where when the speed ratio achieve approximately 0.3, that the capacity factor then begins a gradual decrease.

Applicants respectfully note Trusov does not teach or suggest a pump capacity being a maximum at a speed ratio (e) = zero (0) and gradually decreases in response to an increase in the speed ratio (e).

Put simply, Yoshimoto, Ejiri, and Trusov, alone and/or in combination, fail to teach or suggest each and every feature recited by Claim 1.

To establish *prima facie* obviousness, each feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03. As explained above, Yoshimoto, Ejiri, and Trusov, alone or in combination, fail to teach or suggest each and every feature recited by Claim 1. As such, Applicants respectfully submit

Claim 1 is not rendered obvious by the teachings of Yoshimoto, Ejiri, and Trusov and should be deemed allowable.

Claims 2-4 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for the reasons Claim 1 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of both rejections.

**Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejections, allowance of the Claims 1-4, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-00382.**

Respectfully submitted,  
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Enclosures: PTO Date-Stamped Postcard of June 16, 2004 Filing  
Copy of Request for Approval of Drawing Correction  
Corrected Copy of Figure 2  
Formal Copy of Figure 2 with Correction  
Replacement Sheet of Figure 2  
Original Figure 5 from U.S. Patent No. 5,255,516  
Enlarged/Marked-Up Version of Figure 5 from U.S. Patent No. 5,255,516

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